



Nevada State Board of Medical Examiners

* * * M I N U T E S * * *

OPEN SESSION

EMERGENCY TELEPHONE CONFERENCE CALL BOARD MEETING

Board Office Conference Room
1105 Terminal Way, Suite 301, Reno, NV 89502

TUESDAY, DECEMBER 28, 2004 - 3:00 p.m.

Board Members Present at Board Office

Jean Stoess, M.A.

Board Members Present by Telephone

Stephen K. Montoya, M.D., President

Joel N. Lubritz, M.D., Vice President

Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer

Marlene J. Kirch

Charles N. Held, M.D.

Staff Present at Board Office

Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Laurie L. Munson, Deputy Executive Secretary

Bonnie S. Brand, J.D., Acting General Counsel

Edward O. Cousineau, J.D., Deputy General Counsel

Pamela J. Castagnola, Lead Investigator

Carolyn H. Castleman, Deputy Chief License Specialist

Terri L. Ward, Investigator

CALL TO ORDER

The AT&T telephone conference call operator took roll call, and the meeting was called to order at 3:00 p.m. by President Stephen K. Montoya, M.D.

IN THE MATTER OF DAVID GLENN EVANS, M.D.

Acting General Counsel, Bonnie S. Brand, J.D., asked if all participating Board members present had received and reviewed the materials sent to them prior to the meeting concerning this matter, and all members indicated they had.

Ms. Brand stated that unforeseen circumstances had arisen, in that David Glenn Evans, M.D. had been arrested on a total of 61 counts of sexual offenses involving minors, and bail had been set in excess of \$325,000, but it was possible that Dr. Evans might bail out at any time, thereby posing a possible threat to the health, safety and welfare of the public, and emergency action is required by the Board. Accordingly, pursuant to NRS 241.020(2), the meeting had been convened without notice or compliance with NRS Chapter 241, the Nevada Open Meeting Law.

Ms. Brand then asked the Board, based upon the facts as presented in the Complaint provided to the Board prior to the meeting, to summarily suspend Dr. Evans' license to practice medicine pending a formal hearing on the Complaint set for March 8, 2005.

Mrs. Kirch moved that the Board immediately suspend the limited license of Dr. Evans. Ms. Stoess seconded the motion.

Dr. Lubritz added that the suspension should be based upon the fact that it was in the best interests of the public and to prevent further risk to the public.

Ms. Brand told the Board that one of the Board's Investigators would serve Dr. Evans with the Complaint, a Notice of Hearing for March 8, 2005, the Order of the Hearing Officer setting the Prehearing, and the Order of Suspension. She then read the proposed findings and Order of the Board, as follows:

1. That unforeseen circumstances have arisen and exist that pose a risk of impairment of the health and safety of the public and that require immediate Board action,
2. That on July 1, 2004 the Board issued Respondent a limited license to practice medicine in the State of Nevada within the Pediatric medicine program at the University of Nevada School of Medicine, Las Vegas, Nevada,
3. That on December 17, 2004, Respondent was arrested on 40 counts of possession of child pornography,
4. That also on December 17, 2004, Respondent was re-booked on the additional charges of four counts of sexual assault of a victim under 14, 10 counts of lewdness with a minor, three counts of use of a minor in production of pornography, and two counts of open and gross lewdness,
5. That as of December 17, 2004, Respondent has been relieved of all clinical, academic and other activities at the University of Nevada School of Medicine, Las Vegas, Nevada,
6. That the Board of Medical Examiners has no control over whether the Respondent will be allowed to return to the practice of medicine at the University of Nevada School of Medicine, Las Vegas, Nevada before all criminal charges are fully resolved.
7. That Respondent poses a risk to the health, safety and welfare of the public, and pediatric patients in particular.

Ms. Brand then clarified that the Complaint against Dr. Evans is for bringing the medical profession into disrepute by being arrested on the charges against him, not for conviction on the charges, as that has not occurred, and the hearing on the Complaint, scheduled for March 8, 2005, will be convened on that basis.

Mrs. Kirch moved to amend her motion to incorporate the draft of the findings and order into her previous motion to suspend the limited license of Dr. Evans. Mrs. Stoess seconded the motion, as amended, and it passed unanimously.

Ms. Brand asked for and received the President's approval to use his signature stamp on the Board's Order of Summary Suspension.

ADJOURNMENT

Dr. Montoya adjourned the meeting at 3:10 p.m.